

10 January 1955

MEMORANDUM FOR: Legislative Counsel

SUBJECT: Draft Bill - "Foreign Employees Personnel Act of 1956"

1. We have reviewed the draft bill forwarded with your memorandum of 9 December 1955 and have several comments and suggestions regarding it.

2. Section 18 is of particular concern to this Agency. This repeal provision would modify to conform with the proposed bill all laws or parts of laws inconsistent with it. Such a provision could be construed to modify the broad authority granted to the Director by the CIA Act and although through invocation of the Director's special authorities, such as his duty to protect intelligence sources and methods, the Agency might avoid the undesirable effect of this section, it would be preferable to have a specific exemption written into the Act. Addition of language like that used for this purpose in the Federal Property and Administrative Services Act of 1949 (P.L. 152 - 81st Congress) is suggested. That Act states in Section 502(d)(17) that: "Nothing in this Act shall impair or affect any authority of the Central Intelligence Agency."

3. The problem caused by Section 18 of the proposed bill is a recurring one for which we must always remain alert. In view of this, we think it might be worthwhile to consider inserting language in the CIA Act to the effect that no existing or future law shall impair or affect any authority of the Central Intelligence Agency unless specific language for that purpose is contained in such law.

4. In addition to the above comments, we offer specific comments on particular sections of the bill as follows:

Section 4(b). Presumably the term "locally employed" means employed in the same country in which the employee holds citizenship or of which he is a native or permanent resident. This is not made clear in the wording of the section.

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Section 4(c). In view of the possible political implications of the requirement set forth in this section, and considering the liberal proviso in the second section allowing waiver of the requirement, we suggest that it might be preferable to delete the section entirely.

Section 5. It is not made clear whether the term "public interest" in the first sentence is referring to the United States or local public interest.

Section 5(1). It might be desirable to add the words "or as part of compensation" just before the phrase "without regard to the actual costs."

Section 11. Before submitting this bill for consideration by Congress, it might be well to read this section in conjunction with the proposed Civil Service Retirement Act of 1956.

Section 11(b). This section appears somewhat restrictive in that it would apply a special schedule of retirement benefits to all non-U.S. citizen employees. It is suggested that such a special and probably reduced schedule of retirement benefits should be applicable only to non-resident alien employees.

Section 12(b). The requirement that an employee serve an agreed period or have terminated for the convenience of or for reasons acceptable to the Government before being entitled to return transportation to the place of recruitment, may not be enforceable in many cases. Some foreign countries would not permit an employee to be brought into the country without some guarantee that he would have the means to leave at any time.



Office of General Counsel

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